

FILED

OCT 27 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHNNY LEE HESSE,

Defendant.

NO.

4:21CR00583 AGF/JMB

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(1));

(b) "sexually explicit conduct" to mean actual or simulated--

(i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-anal, whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18

U.S.C. §2256(2)(A));

- (c) “computer” to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device.
(18 U.S.C. §2256(6));

-
- (d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--
 - (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or
 - (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (18 U.S.C. §2256(8)).

2. The “Internet” was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.
3. The defendant has a prior conviction for Possession of Child Pornography, United States District Court for the Eastern District of Missouri, case number: 4:13 CR 217 HEA.
4. Between on or about January 1, 2019 and March 31, 2021, within the Eastern District of Missouri and elsewhere,

JOHNNY LEE HESSE,

the defendant herein, did knowingly possess material that contained an image of child pornography that was produced using materials that traveled in interstate and foreign commerce, to wit, KESU brand USB external hard drive, said KESU brand USB external hard drive having been produced outside Missouri and therefore having traveled in interstate and foreign commerce, and said KESU brand USB external hard drive contained child pornography, including but not limited to, the following:

-
1. "MichelleSS-006-00150.jpg," a graphic image file that depicts a prepubescent minor female in a lascivious display of her genitals;
 2. "MichelleSS-007-00166.jpg," a graphic image file that depicts a prepubescent minor female in a lascivious display of her genitals;
 3. "MichelleSS-009-091.jpg," a graphic image file that depicts a prepubescent minor female in a lascivious display of her genitals;
 4. "MichelleSS-010-080.jpg," a graphic image file that depicts a prepubescent minor female in a lascivious display of her genitals;
 5. "MichelleSS-011-172.jpg," a graphic image file that depicts a prepubescent minor female in a lascivious display of her genitals;
 6. "Michelle Pink Princess Pussy.m4v," a video image file that depicts a prepubescent minor female in a lascivious display of her genitals;
 7. "Michelle baby Oil.mp4," a video image file that depicts a prepubescent minor female in a lascivious display of her genitals; and
 8. "Michelle Pink Skirt Strip.mp4," a video image file that depicts a prepubescent minor female in a lascivious display of her genitals.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT II

The Grand Jury further charges that:

1. The allegations contained in paragraphs one, two, and three of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about January 1, 2019 and March 31, 2021, within the Eastern District of Missouri and elsewhere,

JOHNNY LEE HESSE,

the defendant herein, did knowingly access with intent to view material that contained an image of child pornography that was produced using materials that traveled in interstate and foreign commerce, to wit, a Western digital WD blue 500GB hard drive, said Western digital WD blue 500GB hard drive having been produced outside Missouri and therefore having traveled in interstate and foreign commerce, and said Western digital WD blue 500GB hard drive contained child pornography, including but not limited to, the following:

1. "000000004733.jpg," a graphic image file that depicts a prepubescent minor female in a lascivious display of her genitals;
2. "000000011755.jpg," a graphic image file that depicts a prepubescent minor female in a lascivious display of her genitals;
3. "000000012448.jpg," a graphic image file that depicts a prepubescent minor female in a lascivious display of her genitals;
4. "000000014474.jpg," a graphic image file that depicts a prepubescent minor female in a lascivious display of her genitals;
5. "000000014521.jpg," a graphic image file that depicts a prepubescent minor female in a lascivious display of her genitals;

6. "000000033088.jpg," a graphic image file that depicts a prepubescent minor female in a lascivious display of her genitals;
7. "000000037618.jpg," a graphic image file that depicts a prepubescent minor female in a lascivious display of her genitals;
8. "000000037620.jpg," a graphic image file that depicts a male having sexual intercourse with a prepubescent minor female; and
9. "000000041824.jpg," a graphic image file that depicts a male having sexual intercourse with a prepubescent minor female.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

FORFEITURE ALLEGATION

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 18, United States Code, Section 2253, upon conviction of an offense in violation of Title 18, United States Code, Section 2252A(a)(5)(B) as set forth in Counts 1 and 2 of the Indictment, the defendant shall forfeit to the United States of America: any visual depiction as described in Sections 2251, 2251A, 2252, 2252A or 2260 of Title 18, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110 of Title 18; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.
2. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America will be entitled to the forfeiture of substitute property pursuant to

Title 21, United States Code, Section 853(p).

A TRUE BILL.

FOREPERSON

SAYLER A. FLEMING
United States Attorney

ERIN GRANGER, #53593MO
Assistant United States Attorney